

Message Text

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ACTION EUR-12

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FM AMCONSUL BELFAST

TO SECSTATE WASHDC 1223

INFO AMEMBASSY DUBLIN

AMEMBASSY LONDON

USNAVCOMMSTA LONDONDERRY

UNCLAS BELFAST 97

E.O. 11652: N/A

TAGS: PINT, U.K. (N.I.)

SUBJECT: TREATMENT OF OFFENDERS (NORTH IRELAND) ORDER 1976

REF: (A) BELFAST 90 (B) 75 LONDON 16931

1. NORTHERN IRELAND OFFICE HAS RELEASED PRESS NOTICE EXPLAINING
NEW PRISON ORDER FOLLOWING PARLIAMENT APPROVAL AFTER DEBATES
FEB. 16 AND 17. NEW PRISON RULES COME INTO EFFECT MARCH 1.
UNDER NEW LEGISLATION:

(A) PRISONERS RELEASED WITH REMISSION AFTER SENTENCES OR MORE
THAN 12 MONTHS WILL BE LIABLE SERVE OUTSTANDING BALANCE ORIGINAL SEN-
TENCE IN ADDITION TO SENTENCE ON CONVICTION NEW OFFENCE,

(B) MAXIMUM AMOUNT REMISSION PRISONERS CAN EARN INCREASED FROM
ONE/THIRD OF SENTENCE TO ONE/HALF,

(C) COURTS WILL HAVE POWERS TO ORDERS OFFENDERS TO UNDERTAKE
COMMUNITY SERVICES INSTEAD OF INCARCERATION. COURTS WILL
ALSO HAVE POWER DEFER SENTENCING IN CASES WHERE COURT CONSIDERS
BEST INTERESTS OF COMMUNITY AND OFFENDER SERVED BY POSTPONING
DECISION ON SENTENCING.

2. REFORM IS MAJOR MOVE IN GOVERNMENT PLAN TO DE-EMPHASIZE

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"POLITICAL" ASPECTS OF CURRENT VIOLENCE AND SHIFT EMPHASIS

TO CRIMINALITY OF TERRORISM (REFTEL B). REAL ISSUE IN NORTHERN IRELAND IS THAT ACT INTENDED TO PHASE OUT SPECIAL CATEGORY (POLITICAL CRIMES) STATUS WITHIN PRISONS INSTITUTED BY THEN SECRETARY OF STATE WHITE LAW IN 1972. WHILE CONVICTS CURRENTLY IMPRISONED WILL NOT BE AFFECTED. THOSE CONVICTED OF TERRORIST CRIMES COMMITTED AFTER MARCH 1 WILL BE INCARCERATED IN CELLS RATHER THAN COMPOUNDS AND WILL BE SUBJECT TO SAME RULES CONCERNING DRESS, VISITS AND WORK THAT APPLIED TO OTHER (NON-POLITICAL) CRIMINALS. HALF REMISSION OF CURRENT SENTENCES RATIONALIZED BY NECESSITY MAKE ROOM FOR PRISONERS IN NEW STATUS. CONGEN HAS DIFFICULTY UNDERSTANDING THIS EXPLANATION SINCE THERE NO PRISONERS WITH SPECIAL CATEGORY STATUS NOW IN CELLS IN MAIN PRISONS - LONG KESH/MAZE AND MAGILLIGAN AND CELLULAR FACILITIES WITH CAPACITY 500 AT FORMER SCHEDULED FOR COMPLETION BY END 1976.

3. THERE NOW 2852 PEOPLE HELD IN JAIL IN PROVINCE, 2246 OF THESE CONVICTED PRISONERS. THERE ARE 1504 SPECIAL CATEGORY PRISONERS - 902 REPUBLICAN AND 602 LOYALIST. 449 SPECIAL CATEGORY PRISONERS WILL BE RELEASED BETWEEN MARCH AND JUNE UNDER NEW REMISSION POLICY: 239 PROVISIONAL IRA, 27 OFFICIAL IRA, 5 IRISH REPUBLICAN SOCIALIST PARTY, 110 ULSTER DEFENSE ASSOCIATION, 68 ULSTER VOLUNTEER FORCE.

4. PARAMILITARIES OPPOSED IN PRINCIPLE TO ENDING SPECIAL CATEGORY STATUS BUT CONFUSED ABOUT WHAT IF ANY ACTION TO TAKE. THEY WANT EARLY RELEASES UNDER NEW REMISSIONS POLICY BUT ENDING OF SPECIAL CATEGORY PRIVILEGES WILL BE DISINCENTIVE IN RECRUITING AS IT INTENDED TO BE. GOVERNMENT HAS DEFUSED IMMEDIATE EXPLOSIVE POTENTIAL BY CLARIFYING THAT CURRENT INMATES WILL NOT BE AFFECTED.
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